

No 11(112)-80-3Lab/8362.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s. Anupma Rubber Pvt. Ltd., 38 Mile Stone, Mathura Road, Palwal :—

BEFORE SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 91 of 1979

between

S/SHRI PARAS RAM, DHARMA, BABU LAL, MOHAR SINGH, MAM CHAND, BALBIR SINGH, SITA RAM, BISHAMBAR DAYAL, SATISH KUMAR, GOPI, CHANDAN AND RAJVIR, WORKMEN, AND THE MANAGEMENT OF M/S. ANUPMA RUBBER PRIVATE LIMITED, 38 MILE STONE, MATHURA ROAD, PALWAL.

Present :—Shri Bhim Singh Yadav for the workmen.  
None for the respondent management.

#### AWARD

This reference No. 91 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/110-79/58124, dated the 27th December, 1979 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between S/Shri Paras Ram, Dharma, Babu Lal, Mohar Singh, Mam Chand, Balbir Singh, Sita Ram, Bishambar Dayal, Satish Kumar, Gopi, Chandan and Rajvir, workmen and the management of M/s. Anupma Rubber Private Limited, 38 Mile Stone, Mathura Road, Palwal. The term of the reference was :—

Whether the termination of services of S/Shri Paras Ram, Dharmá, Babu Lal, Mohar Singh, Mam Chand, Balbir Singh, Sita Ram, Bishambar Dayal, Satish Kumar, Gopi, Chandan, and Rajvir was justified and in order? If not, to what relief they are entitled?

After receiving this reference notices were issued to both the parties and Shri Bhim Singh Yadav appeared on behalf of the workmen but no one appeared on behalf of the management on 16th January, 1980. Acknowledgement of the notice sent to the management had not been received so fresh notice was sent to the management for 29th January, 1980. On 29th January, 1980 service of the notice had not been effected on the management and it was ordered that fresh notice be issued to the management through registered A.D and *dasti* summons was also given to the workmen for effecting service, but no one appeared on behalf of the management on 21st February, 1980, when the representative of the workmen was present, on that day the Presiding Officer was on tour and the case was adjourned to 28th February, 1980. On 28th February, 1980 again fresh notice was issued to the management for 19th March, 1980, when Shri Banshi Dhar appeared on behalf of the management and Shri Bhim Singh Yadav appeared on behalf of the workman. The workmen filed their claim statement on 19th March, 1980 and the case was fixed for filing the written statement for 9th April, 1980. On that day the tour program of the Presiding Officer was cancelled and the case was fixed for 28th April, 1980. On that date of hearing no one appeared on behalf of management and Shri Bhim Singh Yadav appeared on behalf of the workmen. It was 2.35 p. m. The case was called thrice. I ordered that *ex-parte* proceedings be held against the management and fixed the case was fixed for recording of *ex-parte* evidence of the workmen for 21st May, 1980.

On 21st May, 1980 *ex-parte* evidence of the workmen were recorded. Shri Paras Ram was examined as WW-1. He stated that he was working with the respondent management from 5th November, 1976 as Mixerman. The management terminated his services on 14th September, 1979 without any notice. The workman was getting Rs. 217.50 P. per month. The workman further stated that the management terminated his service along with other workmen on the ground that the demanded wages for the month of June, July and August, 1979. The workman stated that he is un-employed uptill now and he be reinstated with full back wages. The workman further stated that the management terminated his services along with eleven other workmen on 14th September, 1979 on which the workman along with other workmen served a demand notice on the management on 14th September, 1979. The demand notice is ex. W-1 which is signed by him along with other workmen. The receipt of the Post office is Ex. M-2. The management appeared in the Conciliation proceedings, but they had refused to take us on duty. The workman further stated that he tried his best to get the service, but he could not get the employment any where and demands that he be reinstated with full back wages.

Shri Rajvir, workman appeared as WW-2. He stated that he joined the services of the management on 22nd November, 1979 as a Tableman at the rate of Rs. 195/- per month. The management terminated the service of the workman on 14th September, 1979. The workman was not given any

notice prior to his termination. The management terminated his services along with other workmen on the ground that they demanded their wages for the months of June, July and August, 1979. The workman demanded that he be reinstated with full back wages.

Shri Satish Kumar was examined as WW-3. He stated that he was working with the respondent management from 1st December, 1978 as a Bharaman at the rate of Rs. 195/- per month and the management terminated his services 14th September, 1979 without giving any notice. He stated that demand notice was signed by him. He was un-employed till now and he be reinstated with full back wages.

Shri Babu Lal was examined as WW-4. He stated that he was working with the respondent management from 1st May, 1977 at the rate of Rs. 195/- per month. The management terminated his services along with eleven other co-workmen on 14th September, 1979 without giving any notice and also corroborated the statement of WW-3.

Shri Balbir Singh was examined as WW-5. He stated that he was working with the respondent management from 2nd June, 1979 as Tableman at the rate of Rs. 195/- per month and the management terminated his services along with eleven other workmen on 14th September, 1979 and corroborated the statement of WW-3. He further stated that he was un-employed till now and demanded that he be reinstated with full back wages.

Shri Mohar Singh was examined as WW-6. He stated that he was working with the respondent management from 28th December, 1978 as a Bharaman at the rate of Rs. 195/- per month. The management terminated his services along with other 11 co-workers of the factory as they demanded their wages for the months of June, July and August, 1979. The workman demanded that he be reinstated with full back wages.

Shri Mam Chand was examined as WW-7. He stated that he was working with the respondent management from 8th July, 1979 as a Powerman at the rate of Rs. 195/- per month. The management terminated his services along with other 11 co-workers without giving any notice on the ground that they demanded their wages for the months of June, July and August, 1980. The workman further stated that they had made the claim against the respondent management before the Authority under Payment of Wages Act, Ballabgarh and the Authority had given in the award in their case. He stated that he was unemployed till now and he be reinstated with full back wages.

Shri Sita Ram was examined as WW-8. He stated that he was employed with the respondent management from 3rd May, 1979 as Packer at the rate of Rs. 195/- per month. The management terminated his services on 14th September, 1979 without giving him any notice. He further stated that the management terminated his services on the ground that he demanded wages from the management for the months of June, July and August, 1979. The workman stated that he was un-employed till now and demanded that he be reinstated with full back wages.

The statement of S/Shri Bhim Singh Yadav, authorised representative of the workmen was also recorded. He stated that S/Shri Dharma, Bishambar Dayal, Gopi, Chandan had settled with the respondent management and joined their duties and rest of the other eight workmen were still un-employed, and closed his case.

Keeping in view the circumstances of the case, I see no reason why the un rebutted statements of the workmen given on oath should not be relied upon especially when the management chose not to appear and defend the reference before this Court. So I relying upon the un rebutted statement of the workmen, hold that as Shri Dharma, Bishambar Dayal, Gopi and Chandan had settled with the respondent management and joined their duties, so they are not entitled to any relief, and the other workmen S/Shri Paras Ram, Babu Lal, Mohar Singh, Mam Chand, Balbir Singh, Sita Ram, Satish Kumar and Rajvir are entitled to reinstatement with full back wages as the termination of these eight workmen was never justified nor in order. The cost of this reference is fixed as Rs. 400.

I answer the reference while returning the award in these terms.

Dated the 24th June, 1980.

I. P. CHAUDHRY,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endorsement No. 1017, dated the 30th June, 1980.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHRY,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.